

## **Exhibit 28**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

TRIADOU SPV S.A.,

Index No.: 650239/15

Plaintiff,

-against-

AFFIDAVIT OF  
CESARE CERRITOCF 135 FLAT LLC, CF 135 WEST MEMBER LLC,  
and THE CHETRIT GROUP LLC,

Defendants.

X

COUNTRY OF SWITZERLAND )  
                                  ) SS.:  
CANTON OF GENEVA         )

Cesare Cerrito, first being duly sworn, says:

1. I am a Director for the Plaintiff in the above-entitled action. As such, I am fully familiar with the facts and circumstances set forth herein. The statements herein are based upon my personal knowledge of this matter, unless alleged to be upon information and belief.
2. I have been advised that Defendants in this matter have made conclusory and unsupported allegations that Plaintiff is controlled by Victor Krapunov or by any of the named defendants in a California action.
3. However, this is completely untrue. Plaintiff is wholly owned by SDG Capital SA, a Swiss entity, which has been controlled by Mr. Philippe Glatz since the acquisition in 2013. None of the Defendants in the California action have any interest in either company.



whatsoever. A copy of the press release relating to the aforesaid acquisition is attached hereto and made a part hereof as Exhibit B.

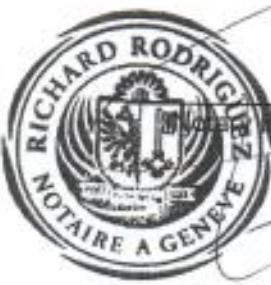
4. This is yet another one of Defendants countless attempts to avoid the fully negotiated terms of a buy-out agreement and as such, their application must be denied in its entirety.



Cesare Cerrito



Sworn to before me this  
5 day of June 2015



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APOSTILLE

(Convention de la Haye du 5 octobre 1961)

1. Pays: Suisse
2. a été signé par Mc R. Rodriguez.
3. agissant en qualité de notaire
4. est revêtu du sceau/timbre de



Attesté  
6. le 08 JUIN 2015

8328

10. Signature



Claire-Lise Vaucher